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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,776	05/09/2001	Yoshihiro Kanada	9281-3989	3835

757 7590 12/16/2003
BRINKS HOFER GILSON & LIONE
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CHICAGO, IL 60611

EXAMINER

LEADER, WILLIAM T

ART UNIT	PAPER NUMBER
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1742

DATE MAILED: 12/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/851,776

Applicant(s)

KANADA ET AL.

Examiner

William T. Leader

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Receipt of the response filed on September 29, 2003, is acknowledged.

Claims 3-6 are pending.

Claim Rejections - 35 USC § 103

2. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ju et al (5,285,340) in view of Fahy et al (4,345,007) for the reasons given in the previous office action and in view of the following comments.

3. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ju et al (5,285,340) in view of Fahy et al (4,345,007) as applied to claims 3 and 4 above, and further in view of the article by Sun et al for the reasons given in the previous office action and in view of the following comments.

Response to Amendment

4. Applicant's Remarks have been carefully considered but are not deemed to be persuasive. Applicant argues that Ju et al and Fahy et al do not disclose or suggest a relationship between the nonmagnetic characteristics of the NiP material in the specific P contact and the hard baking (annealing) temperature and concludes that that a mere combination of these two references does not necessarily teach that the

P content does remain in the 8 to 15 mass percent interval, and thus that the NiP layer remains nonmagnetic when the thin-film magnetic head is annealed. This argument is not convincing. Applicant has amended claim 3 to recite that the thin-film magnetic head is not annealed. This reads on the process of Ju et al before the baking (annealing) step is performed. At that point, the thin-film head is not annealed. It is noted that claim 3 is written in open form using the term "comprising" and is open to additional process steps other than those recited. Claim 3 is not seen as being closed to all heating steps.

5. With respect to claim 4, applicant argues that the present invention establishes a relationship between the nonmagnetic characteristics of the NiP layer with a specific P content and the annealing temperature and that Ju et al and Fahy et al do not disclose such a relationship. This argument is not persuasive because it is not considered necessary that the references disclose a relationship such as that identified by applicant. What is required is that the references suggest the claimed process. Ju et al disclose a method of making a thin film magnetic head with a nonmagnetic gap layer. This clearly teaches one of ordinary skill in the art that the concentration of NiP in the head should be such that the deposit is, in fact, nonmagnetic. Fahy et al disclose that the P concentration recited by applicant results in a nonmagnetic deposit. Thus, the process steps recited by applicant are suggested by the references of record.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to William T. Leader whose telephone number is 703-308-2530. The examiner can normally be reached on Mondays-Thursdays and alternate Fridays, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King, can be reached on 703-308-1146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


William Leader
December 12, 2003


ROY KING
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700